



June 20, 2014



**FEDERAL EXPRESS 8043 4464 9138**

Board of Regents of NNMC  
c/o Nancy Barcelo, President  
Espanola Campus  
921 N. Paseo de Onate  
Espanola, NM 87532

Re: *James R. Biggs v. Regents of Northern New Mexico College;*  
*D-117-CV-2014-00218*

Dear Ms. Barcelo:

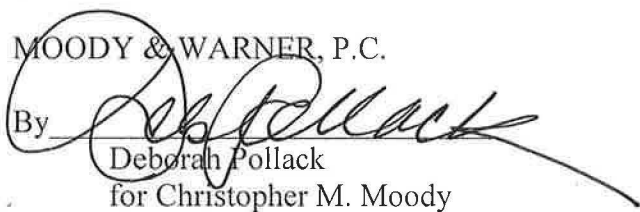
Please find enclosed the following pleadings:

- 1) Summons;
- 2) Complaint for Damages for Violation of the New Mexico Whistleblower Protection Act;
- 3) Jury Demand;
- 4) Peremptory Challenge/Election to Excuse;
- 5) Plaintiff's First Interrogatories to Defendant Regents of Northern New Mexico College; and,
- 6) Plaintiff's First Requests for Production to Defendant Regents of Northern New Mexico College.

Sincerely,

MOODY & WARNER, P.C.

By

  
Deborah Pollack

for Christopher M. Moody

Enclosures

cc: **FEDERAL EXPRESS 8043 4464 9127**  
Office of New Mexico Attorney General

4169 Montgomery Blvd, NE  
Albuquerque, NM 87109

Phone 505-944-0033  
Fax 505-944-0034

LITIGATION & ADVICE IN:  
Class Actions  
Union Management Relations  
Wrongful Termination  
Discrimination & Harassment  
Wage & Hour  
EEOC/HRD Charges  
Employment Agreements

**SUMMONS**

District Court: FIRST JUDICIAL Rio Arriba County, New Mexico Court Address: Post Office Box 2268 Santa Fe, New Mexico 87504 Court Telephone No.: 505-455-8250	Case Number: D-117-CV-2014-00218  Assigned Judge: Sheri A. Raphaelson
Plaintiff(s): JAMES R. BIGGS  v. Defendant(s): REGENTS OF NORTHERN NEW MEXICO COLLEGE	Defendant Name: Regents of Northern New Mexico College  Address: Board of Regents of NNMC c/o Nancy Barcelo, President Espanola Campus 921 N Paseo de Oate Espanola, NM 87532 505-747-2100 Cc: Office of New Mexico Attorney General 408 Galisteo Street Villagra Building Santa Fe, NM 87501 505-827-6000

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

BY: Letran Carmiguan  
Deputy

Email Address: moody@nmlaborlaw.com

## RETURN<sup>1</sup>

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

**(check one box and fill in appropriate blanks)**

[ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

**STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT**

**JAMES R. BIGGS,**

**Plaintiff,**

**vs.**

**D-101-CV-2014     D-117-CV-2014-00218**

**REGENTS OF NORTHERN  
NEW MEXICO COLLEGE,**

**Defendants.**

**COMPLAINT FOR DAMAGES FOR VIOLATION OF NEW MEXICO  
WHISTLEBLOWER PROTECTION ACT**

Plaintiff James R. Biggs, through his undersigned counsel, brings this Complaint for Damages for Violation of New Mexico Whistleblower Protection Act and states:

**Parties and Venue**

1. Plaintiff James Biggs currently resides in Bernalillo County, New Mexico and at all times material hereto until his termination in May 2014 was employed by Defendants as a faculty member at Northern New Mexico College.

2. The Regents of Northern New Mexico College ("NNMC") are the governing body of Northern New Mexico College, a public institution of higher learning with campuses in Espanola and El Rito, New Mexico.

3. The claims brought in this suit arose in Espanola, Rio Arriba County, New Mexico and venue is appropriate in this Court pursuant to NMSA 1978 §38-3-1A.

## **General Allegations**

4. Plaintiff is an environmental scientist who has a Ph.D. degree in Range Science with a focus on wildfire science. From May 1991 until 2008, Plaintiff worked at Los Alamos National Laboratory as a Technical Staff Member. Plaintiff joined NNMC as an adjunct faculty member in 2009.

5. In 2010 Plaintiff became a tenure track faculty member at NNMC in its Environmental Science program.

6. At all times, Plaintiff performed his duties as a faculty member in an outstanding fashion and to the satisfaction of NNMC, as demonstrated by his consistently outstanding performance evaluations.

7. By January 2011, NNMC had elevated Plaintiff to the position of Director of the Environmental Science program. The Environmental Science program was proving to be highly successful under Plaintiff's direction with enrollment increasing from 100% to 300% during his tenure, depending on the degree program, and increased student retention.

8. In about April 2013, Plaintiff spoke out at a public meeting regarding the budget for NNMC, accusing the administration of NNMC of gross mismanagement by, among other things, cutting critical programs at NNMC, eliminating the child care center and taking other steps that put the interests of administration ahead of the students that NNMC was designed to serve.

9. NNMC's Provost objected to Plaintiff's actions and required Plaintiff to write a letter of apology that would be placed into Plaintiff's personnel file, which Plaintiff refused to

do, citing that it would be a violation of his right to comment at a public meeting. Plaintiff requested a face-to-face meeting with the administration to discuss the issues but the Provost refused his request.

10. As a result of Plaintiff's actions in accusing NNMC administration of gross mismanagement, in the summer of 2013 Plaintiff was removed from his position as Director of the Environmental Science program at NNMC and was demoted. Plaintiff was reassigned to a faculty position at the El Rito campus with reduced pay.

11. Plaintiff was informed that his salary would be paid from the proceeds of a federal grant extended to NNMC to promote science, technology, engineering and mathematics programs at NNMC. Plaintiff was assured that despite the demotion he would still be considered tenure-track, but the head of the tenure committee at NNMC informed Plaintiff that generally faculty paid by grant funds as opposed to institutional funds were not tenure eligible.

12. Plaintiff discovered that it was a violation of the grant for him to be paid with grant funds because the grant was intended to support the hiring of new faculty and was not to be used to supplant the use of institutional funds to pay existing faculty.

13. Plaintiff objected to being paid from grant funds and protested what he considered to be illegal diversion of federal grant funds to existing NNMC faculty. Plaintiff also asked whether being paid from grant funds would result in his termination when the grant funds ran out. He was told it might. Following several failed requests by Plaintiff and the new Director of Environmental Science to be placed back onto institutional funds, Plaintiff threatened to file a grievance if he was not placed back on institutional funding.

14. Plaintiff was advised by NNMC's grants office that because he was being paid with federal grant funds, he no longer qualified as a participant on other grants, which adversely affected existing grants and grant submissions Plaintiff had prepared, thus jeopardizing Plaintiff's ability to pursue his academic career and improve the Environmental Science program.

15. After protesting the illegal diversion of federal grant monies, Plaintiff was subjected to increasingly hostile treatment by NNMC administration. He was ostracized by administration and administration advised other faculty members to avoid Plaintiff.

16. The grants office advised Plaintiff that the Provost refused to approve purchase requests submitted by Plaintiff for equipment to stock the El Rito facility, making it difficult for Plaintiff to perform his job. The Provost and others in administration falsely accused Plaintiff of failing to meet various responsibilities of his job.

17. NNMC administration refused to present Plaintiff's requests for special funding for a new program within the environmental science program to NNMC's Board of Regents.

18. Plaintiff's initial replacement as Director of the Environmental Science program had served in the position before, but had been objected to by students. She resigned shortly after being given the Director position. Rather than bring Plaintiff back as Director, NNMC placed a newly hired faculty member into the position.

19. In about October 2013 Plaintiff reported to the New Mexico Higher Education Department that NNMC was violating the terms of a federal grant due to the way it was paying him. He also reported NNMC's illegal diversion of federal grant money to the U.S. Department of Education's Office of Inspector General, which proceeded to investigate Plaintiff's report.



20. In the fall of 2013 Plaintiff was nominated to serve as chair of NNMC's Institutional Review Board, a board that oversees research at the school. The Provost rejected his nomination and instead picked another faculty member who had not been nominated. The Provost also rejected Plaintiff's request to sit on other institutional and hiring committees despite requests from other faculty that Plaintiff be permitted to do so.

21. In the fall of 2013 Plaintiff submitted his application for tenure to the Tenure Council at NNMC.

22. On or about February 18, 2014 Plaintiff was called into a meeting with NNMC's Human Resources Director and the Vice President of Finance. At the meeting Plaintiff was subjected to verbal abuse, threats and intimidation related to his objections to NNMC's diversion of federal grant monies. The Human Resources Director assaulted Plaintiff during this meeting and Plaintiff later reported it to law enforcement.

23. In the spring of 2014 the U.S. Department of Education concluded that NNMC had violated the terms of its grant by using grant monies to pay Plaintiff's salary and required restitution from NNMC.

24. Also in the spring of 2014 NNMC's Tenure Council unanimously recommended Plaintiff for tenure.

25. Despite this unanimous recommendation, in late April 2014 the Provost denied Plaintiff tenure while granting tenure to another faculty member against the recommendation of the Tenure Council.

26. NNMC policy provides for a one-year probationary period or provisional contract for faculty members who are denied tenure to allow them to reapply for tenure. Plaintiff, however, was not provided for this one-year probationary period or provisional contract and was instead summarily terminated in May 2014 with no reason given.

**Count I          Violation of New Mexico Whistleblower Protection Act**

27. Plaintiff incorporates by reference paragraphs 1 – 26 of his Complaint.

28. By his actions as related above, Plaintiff communicated to NNMC and third parties information regarding actions that Plaintiff in good faith believed constituted unlawful and improper acts.

29. As a result of Plaintiff's communications and in retaliation therefore, Plaintiff was demoted, reassigned, his pay was cut, actions were taken to frustrate his performance of his duties and advancement of his academic career, he was denied tenure and he was fired from his job with NNMC, in violation of the New Mexico Whistleblower Protection Act, NMSA 1978 §10-16C-1, *et seq.*

30. The actions taken against Plaintiff were not taken in furtherance of any legitimate business purpose of NNMC and, in fact, were contrary to the interests of NNMC.

31. Plaintiff has sustained and will continue to sustain actual damages as a result of the unlawful conduct of NNMC. Plaintiff has lost compensation and his career has been derailed. As a result of his pay cut Plaintiff lost his residence. Plaintiff has suffered damage to his professional reputation, emotional distress, mental anguish, humiliation and embarrassment.

WHEREFORE, Plaintiff prays for judgment against NNMC for:

- A. Back pay and benefits;
- B. An additional amount equal to back pay and benefits;
- C. Reinstatement of, in lieu thereof, front pay;
- D. Damages arising from losing his house;
- F. Non-pecuniary damages for damage to his professional reputation, emotional distress, mental anguish, humiliation and embarrassment;
- G. Pre-judgment and post-judgment as allowed by law;
- H. His reasonably attorneys' fees and costs; and
- I. Such other relief as may be just and proper.

Respectfully submitted,

MOODY & WARNER, P.C.

By: /s/ Christopher M. Moody  
Christopher M. Moody  
4619 Montgomery Blvd. NE  
Albuquerque, NM 87109  
(505) 944-0033  
(505) 944-0034 (fax)  
*Attorneys for Plaintiff*

STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT

JAMES R. BIGGS,

Plaintiff,

vs.

D-101-CV-2014 D-117-CV-2014-00218

REGENTS OF NORTHERN  
NEW MEXICO COLLEGE,

Defendants.

**JURY DEMAND**

Plaintiff hereby demands trial by a jury of six persons.

Respectfully submitted,

MOODY & WARNER, P.C.

By: /s/ Christopher M. Moody

Christopher M. Moody  
4619 Montgomery Blvd. NE  
Albuquerque, NM 87109  
(505) 944-0033  
(505) 944-0034 (fax)  
*Attorneys for Plaintiff*

STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT

JAMES R. BIGGS,

Plaintiff,

vs.

D-117-CV-2014-00218

REGENTS OF NORTHERN  
NEW MEXICO COLLEGE,

Defendants.

**PEREMPTORY CHALLENGE/ELECTION TO EXCUSE**

Plaintiff James R. Biggs, by and through his attorneys of record, MOODY & WARNER, P.C. exercises his right to a peremptory challenge to excuse the Honorable Sheri A. Raphaelson in the above-captioned matter pursuant to NMSA 1978, § 38-3-9 (2005) and Rule 1-088.1(B) NMRA.

Respectfully submitted,

MOODY & WARNER, P.C.

By: /s/ Christopher M. Moody e-filed 6.19.14

Christopher M. Moody  
4619 Montgomery Blvd. NE  
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(505) 944-0033  
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*Attorneys for Plaintiff*

XC:LW

**STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT**

**JAMES R. BIGGS,**

**Plaintiff,**

**vs.**

**D-117-CV-2014-00218**

**REGENTS OF NORTHERN  
NEW MEXICO COLLEGE,**

**Defendants.**

**PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT  
REGENTS OF NORTHERN NEW MEXICO COLLEGE**

Plaintiff James R. Biggs, pursuant to Rule 1-033 of the Rules of Civil Procedure for the District Courts, requests that Defendant Regents of Northern New Mexico College ("NNMC") answer the following interrogatories separately and fully in writing, under oath, based upon facts and information available to you, your agents or attorneys, within forty-five (45) days after service pursuant to all applicable Rules of Civil Procedure. Space is provided for your answers. If additional space is required, add additional pages to your answers, numbering each answer, without restating the question.

**INSTRUCTIONS FOR USE**

A. As used herein "person" shall mean any natural person, firm, partnership, joint venture, corporation or other entity.

B. Whenever an interrogatory requests that you identify a person, state his or her full name and complete present or last known residential and business addresses and telephone numbers.

C. The information requested by these interrogatories shall include any and all information (from whatever source derived) which is in the possession, custody or control of you,

your attorney, agents, servants, employees, family member, representative or officers, or similar persons.

D. In the event your answer to any interrogatory is "Not Applicable" or any similar phrase or answer, explain in detail why that interrogatory is not applicable. In the event your answer to any interrogatory is "Don't know" or any similar phrase or answer, identify the person who, if anyone, would know the answer to the interrogatory or explain how or where the answer to that interrogatory might be found. In the event you do or may have a confidential relationship with such person which would lead such person to refuse to divulge the requested information to the Respondent or his attorney, please indicate whether you will voluntarily authorize such person in writing to divulge the requested information to the Respondent or his attorney.

E. Whenever these interrogatories request that you identify a document, (1) attach a copy of the document hereto, or (2) identify the document sufficiently so that it may be discovered under Rule 1-034 of the New Mexico Rules of Civil Procedure. Your identification must include (i) the date of the document; (ii) the identity of the signors of the document; (iii) the names of all persons identified thereon as recipients of the original or copies thereof; (iv) a brief statement summarizing or generally describing the contents; (v) the identity of each person in whose possession the document now is; and (vi) the identity of each person in whose possession a copy of the document now is.

F. Whenever these interrogatories request that you describe a conversation, state the date, time and place of the conversation. In addition, identify each person (see instruction C) present or participating and state in as much detail as possible what each person said during the conversation. In addition, if it was a telephone conversation, identify the location of each speaker.

G.. As used herein, the term "document" means and includes any written, printed, typed, recorded or graphic matter, however produced or reproduced. Without limitation of the foregoing, the term "document" shall include correspondence, memoranda, accounting and financial records, checks, notes, diaries, statements, telegrams, contracts, agreements, draft work papers, papers and magnetic tapes, charts, computer discs, cards and printouts, minutes, publications, calendars, telephone pads, bulletins and directives. In addition, the "document" includes any copy which

differs in any respect from the original or other versions of the documents, such as copies containing notations, insertions, corrections, or any other variations.

H. Where an interrogatory calls for an answer which involves more than one sub-part, each sub-part of the answer should be set forth separately so that it is clearly understandable and responsive to the respective sub-part.

I. If you assert privilege as to any conversation or document concerning which information is requested by any of the following interrogatories, describe such conversation and identify each such document in the manner above indicated, except that you need not state what each person said during the conversation or summarize the contents of the document. In addition to such identification, for all claims of privilege, state the nature of the privilege claimed and the facts upon which such claim is based.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Please identify by name and job title all persons affiliated with NNMC who recommended that Plaintiff not be granted tenure and describe in detail the reasons for all such recommendations.

**ANSWER:**

**INTERROGATORY NO. 2:** Please identify by name and job title all persons affiliated with NNMC who participated in the decision to terminate Plaintiff's employment and describe in detail the reasons for the termination of Plaintiff's employment.

**ANSWER:**



**INTERROGATORY NO. 3:** Please identify by name and job title all persons affiliated with NNMC who participated in the decision not to offer Plaintiff a faculty contract for the 2014-15 school year and describe in detail the reasons for not offering Plaintiff such a contract.

**ANSWER**

**INTERROGATORY NO. 4:** Please identify by name and job title all persons affiliated with NNMC who participated in the decision to remove Plaintiff as Director of NNMC's Environmental Science program and describe in detail the reasons for that decision.

**ANSWER:**

**INTERROGATORY NO. 5:** Please identify by name and job title all persons affiliated with NNMC who participated in the decision to reduce Plaintiff's compensation when he was removed as Director of NNMC's Environmental Science program and describe in detail the reasons for the reduction in compensation.

**ANSWER:**

**INTERROGATORY NO. 6:** Please state whether Plaintiff's salary at NNMC was ever funded by a federal grant. If your answer is yes, please specify the dates within which Plaintiff's salary was funded by a federal grant, identify the federal grant which funded Plaintiff's salary and describe in detail who made the decision to fund Plaintiff's salary from the federal grant and why that decision was made.

**ANSWER:**

**INTERROGATORY NO. 7:** Please state why H & H Private Investigations, PC was retained by NNMC in 2014, state the subject of the investigation and indicate what conclusions, if any, H & H Private Investigations, PC reached as a result of its investigation.

**ANSWER:**

**INTERROGATORY NO. 8:** Please state how much NNMC has paid H & H Private Investigations, PC for its work in 2014 and if any amounts billed by H & H Private Investigations, PC remain unpaid, state how much remains unpaid.

**ANSWER:**

**INTERROGATORY NO. 9:** Please provide the name, address and telephone number of each faculty member of NNMC who has been denied tenure despite a positive tenure recommendation from the Tenure Council at any time within the past five (5) years.

**ANSWER:**

**INTERROGATORY NO. 10:** Please state the name, address and telephone number of each faculty member at NNMC as to whom the Tenure Council has recommended against tenure at any time in the past five (5) years.

**ANSWER:**

**INTERROGATORY NO. 11:** Please state the name, address and telephone number of each faculty member at NNMC who has denied a faculty contract for the school year following the denial of tenure to that faculty member.

**ANSWER:**

**INTERROGATORY NO. 12:** Please state the name, address and telephone number of each tenure track faculty member at NNMC who has either been terminated or denied contract renewal at any time since January 1, 2012 and state the reason(s) for the termination or denial of contract renewal for each such faculty member.

**ANSWER:**

**INTERROGATORY NO. 13:** Please state the name, address and phone and area of expertise of each person NNMC may call as an expert witness at trial and for each such person provide a summary of the opinions to be testified to by the expert witness and the grounds for those opinions.

**ANSWER:**

**INTERROGATORY NO. 14:** Please state the name, address and phone number of each person of each person NNMC may call as a witness at trial and for each provide a summary of the anticipated testimony.

**ANSWER:**

Respectfully submitted,

MOODY & WARNER, P.C.

By: /s/ Christopher M. Moody  
Christopher M. Moody  
4619 Montgomery Blvd. NE  
Albuquerque, NM 87109  
(505) 944-0033  
(505) 944-0034 (fax)  
*Attorneys for Plaintiff*

**STATE OF NEW MEXICO  
COUNTY OF RIO ARriba  
FIRST JUDICIAL DISTRICT**

**JAMES R. BIGGS,**

**Plaintiff,**

**vs.**

**D-117-CV-2014-00218**

**REGENTS OF NORTHERN  
NEW MEXICO COLLEGE,**

**Defendants.**

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO DEFENDANT  
REGENTS OF NORTHERN NEW MEXICO COLLEGE**

Plaintiff James R. Biggs, pursuant to Rule 1-033 of the Rules of Civil Procedure for the District Courts, requests that Defendant Regents of Northern New Mexico College ("NNMC") produce the following documents within forty-five (45) days of the date of service hereof.

**Documents to be Produced**

**REQUEST NO. 1.** Personnel file of Plaintiff and any other files maintained on Plaintiff relating to his job performance.

**RESPONSE:**

**REQUEST NO. 2.** All tenure review files or other files reflecting review of, or action on, Plaintiff's application for tenure by NNMC's Tenure Council, Provost, President or Board of Regents.

**RESPONSE:**

**REQUEST NO. 3.** Tenure review files of all NNMC faculty members whose applications for tenure were reviewed and/or acted upon in 2013 or 2014.

**RESPONSE:**

**REQUEST NO. 4.** All policies or guidelines reflecting NNMC's standards for granting faculty members tenure in the years 2013 and 2014.

**RESPONSE:**

**REQUEST NO. 5.** All documents reflecting the reasons for Plaintiff's removal from the position of Director of NNMC's Environmental Sciences program.

**RESPONSE:**

**REQUEST NO. 6.** All documents reflecting the reasons for any reduction in pay of Plaintiff at any time during his employment by NNMC.

**RESPONSE:**

**REQUEST NO. 7.** All documents reflecting whether at any time Plaintiff's salary was paid from the proceeds of any federal grant.

**RESPONSE:**

**REQUEST NO. 8.** All documents relating in any way to any investigation or audit conducted by any state or federal agency or officer into any allegation that NNMC had misused or was misusing the proceeds of any federal grant.

**REQUEST NO. 9.** All documents reflecting the conclusions of any investigation or audit into any allegation that NNMC had misused or was misusing the proceeds of any federal grant.

**RESPONSE:**

**REQUEST NO. 10.** All documents reflecting the conclusions of any investigation or audit into potential violations of grant requirements by NNMC at any time within the past five (5) years.

**RESPONSE:**

**REQUEST NO. 11.** All documents relating in any way to Provost Anthony Sena's attempt to cause Plaintiff to write a letter of apology for speaking out at a public meeting regarding NNMC budgeting in April 2013.

**RESPONSE:**

**REQUEST NO. 12.** All documents relating in any way to any recommendation that Plaintiff be denied tenure.

**RESPONSE:**

**REQUEST NO. 13.** All documents relating in any way to the decision to deny tenure to Plaintiff.

**REQUEST NO. 14.** All documents relating in any way to the decision to terminate Plaintiff's employment.

**RESPONSE:**

**REQUEST NO. 15.** All documents relating in any way to the decision not to offer Plaintiff a faculty contract for the 2014-15 school year.

**RESPONSE:**

**REQUEST NO. 16.** All emails and other documents reflecting communications to or from Domingo Sanchez, Anthony Sena, Rick Serna and/or Bernie Padilla at any time since January 1, 2012 relating in any way to Plaintiff.

**RESPONSE:**

**REQUEST NO. 17.** All statements (whether signed or unsigned) of any person relating in any way to any matter alleged in Plaintiff's complaint.

**RESPONSE:**

**REQUEST NO. 18.** All audio or video recordings relating in any way to any matter alleged in Plaintiff's complaint.

**RESPONSE:**

**REQUEST NO. 19.** All reports, memoranda or other documents relating in any way to any investigation conducted for NNMC by H & H Private Investigations, PC in 2014.

**RESPONSE:**

**REQUEST NO. 20.** All documents relating in any way to any written complaint from January 1, 2013 to the present claiming that NNMC engaged in retaliation against any employee.

**RESPONSE:**



Respectfully submitted,  
MOODY & WARNER, P.C.

By: /s/ Christopher M. Moody  
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(505) 944-0033  
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*Attorneys for Plaintiff*